



## Labor/Legal Issues: Child Labor Laws

Because both federal and state laws regulate the employment of students under 18, educators must be familiar with the basic provisions that affect work-based learning programs. The following chart provides a brief summary of key points. Specific questions should be directed to a qualified attorney, the Iowa Division of Labor Services, or the US Department of Labor.

### Brief Comparison: State and Federal Child Labor Laws

*In all cases, the most restrictive law must be followed.*

ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Administration and Enforcement</b>	<ul style="list-style-type: none"> <li>□ Iowa Division of Labor Services</li> <li>□ Enforces Iowa Minimum Wage Law; see exemptions under "Wages"</li> <li>□ Assists in dispute resolution relating to wages under Iowa Wage Payment Collection Law</li> <li>□ Employees filing complaints may not be discriminated against or terminated</li> </ul>	<ul style="list-style-type: none"> <li>□ Wage and Hour Division of US Department of Labor</li> <li>□ Administers and enforces the Fair Labor Standards Act (FLSA) for employers in private sector, state and local governments, US Postal Service and Postal Rate Commission, the Tennessee Valley Authority, and federal employment of the Library of Congress</li> <li>□ Special rules for state and local government employment involving fire protection, law enforcement, volunteers, and compensatory time</li> <li>□ Employees filing complaints may not be discriminated against or terminated</li> </ul>
<b>Employers Affected</b>	<ul style="list-style-type: none"> <li>□ All employers</li> </ul>	<p>Closely based on mandatory minimum wage guidelines for</p> <ul style="list-style-type: none"> <li>□ Companies with annual gross volume sales/business of \$500,000 or more OR</li> <li>□ Hospitals, institutions for physically or mentally ill, disabled, aged; schools, including pre-school, secondary, or postsecondary OR</li> <li>□ Public agencies OR</li> <li>□ Minor employees engaged in interstate commerce or production of goods for interstate commerce</li> </ul>

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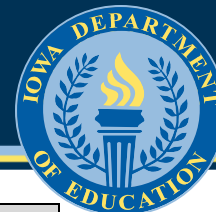
# Work-Based Learning



ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Hours, Occupations:</b> <i>Special Prohibitions</i>	<ul style="list-style-type: none"> <li>□ 14- and 15-year-olds <u>Work Hours:</u> 4 hours per day on school days; up to 28 hour per week when school is in session. May be allowed to work during flex school hours (new scheduling), as long as scheduled schooling is not missed. <u>Work Assignments:</u> see Iowa Code Ch. 92 Child Labor for list of prohibited occupations</li> <li>□ 16- and 17-year-olds Prohibits work in occupations involving operation of laundry, dry cleaning, or dyeing machinery, and work involving dangerous or hazardous chemicals and others</li> </ul>	<ul style="list-style-type: none"> <li>□ 14- and 15-year-olds <u>Work Hours:</u> 3 hours per day on school days; up to 18 hours per week when school is in session. May not work during set school hours. <u>Work Assignments:</u> Frying permitted if done in full view of public  Check complete federal restrictions at <a href="#">US Department of Labor Web site</a></li> <li>□ 16- and 17-year-olds No specific prohibitions, except those identified in the List of 17 Hazardous Occupations (HOs)</li> <li>□ 18 and under prohibited from exposure to ionizing radiation</li> </ul>
<i>Exceptions</i>	<ul style="list-style-type: none"> <li>□ Work by children of any age in any occupation at any time doing any type of work in a business owned or operated by child's parents, if parent is on premises</li> <li>□ For under 16, modeling allowed between 7 a.m. and 10 p.m., for not more than 12 hours/month</li> <li>□ Juvenile court allowed to order under-age children to complete work assignments, when appropriate</li> </ul>	<ul style="list-style-type: none"> <li>□ Students enrolled in work- experience programs may be employed during school hours, for as many as 3 hours on a school day, for as many as 23 hours in a school week, and in occupations otherwise prohibited <i>if</i> a waiver is granted</li> <li>□ Age and hours of children working in parents' business when parent is sole proprietor (hazardous work prohibited, even in parents' business)</li> <li>□ Under 16, work in areas such as               <ul style="list-style-type: none"> <li>– acting/performing in radio, TV, film</li> <li>– operating office machines in office and clerical occupations;</li> <li>– cashier, selling, artwork, advertising, window trimming, comparative shopping</li> <li>– price marking by hand or machine, assembling orders, packing and shelving</li> <li>– bagging/carrying customer orders</li> <li>– delivery work by foot, bicycle, or public transportation</li> <li>– clean-up work, including waxers and cleaners; maintenance work not requiring powered equipment</li> <li>– all kitchen work and equipment essential in performing duties</li> <li>– courtesy service with cars and trucks, including hand car washing, polishing, and cleaning</li> <li>– clean vegetables/fruits, wrap, seal, label, weigh, price, stock goods</li> </ul> </li> </ul>

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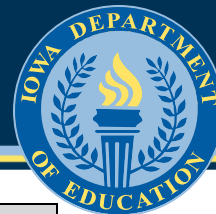
# Work-Based Learning



ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Agricultural Employment</b>	<ul style="list-style-type: none"> <li>Children 14 years and older may detassel corn during June-August; 14- and 15-year-olds may work part-time in agriculture at half of regularly allowed hours: 20 hours per week/4 hours per day in summer, 14 hours per week/2 hours per day when school is in session</li> </ul> <p>See Iowa Code 92.17</p>	<ul style="list-style-type: none"> <li>14- and 15-year-olds: work prohibited during schools hours or in hazardous occupations</li> <li>12- and 13-year-olds: may work on parent's farm and, with parents' permission, on farms where minimum wage is required</li> <li>Complete set of regulations available: <i>Child Labor Requirements in Agriculture</i></li> </ul>
<b>Age Certificate or Work Permit</b>	<ul style="list-style-type: none"> <li>Work permits required for ages 14 and 15</li> </ul>	<ul style="list-style-type: none"> <li>No work permits required</li> <li>Recommended that employers protect themselves by keeping age certificates on file for all workers under age 18</li> </ul>
<b>School Training</b>	<ul style="list-style-type: none"> <li>Training allowed for students instructed in industrial arts department, school shop, industrial plant, or vocational education course, or apprenticeship; no hour limits</li> </ul>	<ul style="list-style-type: none"> <li>Training allowed without employment relationship, regardless of age; 16 or older may also be employed during school hours; in limited <a href="#">hazardous occupations (HOs)</a></li> </ul>
<b>Wages</b>	<ul style="list-style-type: none"> <li>Minimum wage rate: \$7.25</li> <li>Business volume: \$300,000</li> <li>Several types of minimum wage</li> <li>Initial employment wage rate (\$6.35) for first 90 consecutive calendar days of employment with employer</li> <li>No youth minimum wage rate; basic state minimum wage rate applies to all employees of all ages in Iowa</li> <li>Tipped employees minimum wage</li> <li>Requirements for payment and deductions</li> <li>Subminimum wages may be permitted for certain persons and employment situations</li> <li>Specific exemptions from minimum wage</li> <li>Provisions for recovery of back wages</li> <li>Iowa Minimum Wage Law poster display requirement</li> </ul>	<ul style="list-style-type: none"> <li>Minimum wage rate: \$7.25</li> <li>Business volume: \$500,000</li> <li>Several types of minimum wage</li> <li>Initial employment or training minimum wage rate (\$4.25) limited to employees under 20 years of age</li> <li>Youth minimum wage rate for employees under 20 years of age during first 90 consecutive days of employment</li> <li>Tipped employees minimum wage</li> <li>Requirements for payment and deductions</li> <li>Covered employers specified</li> <li>Subminimum wages may be permitted for certain persons and employment situations</li> <li>Specific exemptions from minimum wage and/or overtime pay law</li> <li>Provisions for recovery of back wages</li> <li>FLSA poster display requirement</li> </ul>

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# Work-Based Learning



ISSUE	STATE OF IOWA LAW	FEDERAL LAW (FLSA)
<b>Record keeping</b>	<input type="checkbox"/> Required, including <ul style="list-style-type: none"> <li>– identifying information about employee: name, address with zip code, social security number, birth date if under 19</li> <li>– occupation</li> <li>– hours worked</li> <li>– wages earned</li> <li>– deductions made</li> <li>– employment agreements</li> </ul>	<input type="checkbox"/> <a href="#">Required for employees under 19, including</a> <ul style="list-style-type: none"> <li>– name</li> <li>– home address</li> <li>– date of birth, if under 19</li> <li>– gender</li> <li>– daily starting and quitting times</li> <li>– daily and weekly hours worked</li> <li>– occupation</li> <li>– regular hourly pay rate</li> <li>– total overtime pay for work-week</li> <li>– deductions from or additions to wages</li> <li>– total wages paid each pay period</li> <li>– date of payment and pay period covered</li> </ul>
<b>Penalties</b>	<input type="checkbox"/> Iowa Admin. Code Chapter 875-32.11 outlines the civil penalty calculation for employers who violate Iowa Code Chapter 92.	<input type="checkbox"/> Administrative fine up to \$10,000 per minor for employers <input type="checkbox"/> For second willful violation, fine of \$10,000 or imprisonment for not more than 6 months, or both. District Court restraining order can be requested to prevent future civil or criminal child labor violations.
<b>Waivers</b>	<input type="checkbox"/> May issue written special orders allowing prohibited work to occur	<input type="checkbox"/> None
<b>Contacts</b>	<input type="checkbox"/> State Office: 515-281-3606 <input type="checkbox"/> Child Labor Permits: 515-725-2168 <input type="checkbox"/> Minimum Wage: 515-242-5870	<input type="checkbox"/> Federal Office: 515-284-4625

Additional discussion of many issues listed in the chart above are provided in other sections of the *WBL Guide*.

## Child Labor Work Permits: Iowa Code, Chapter 92

The following sections of the Iowa Code refer to work permit requirements for children under 16 and are appropriate to students enrolled in work-based learning experiences.

- *92.10 Permit on file.* A person under sixteen years of age shall not be employed to work with or without compensation unless the person, firm, or corporation employing such person receives and keeps on file, accessible to any officer charged with the enforcement of this chapter, a work permit issued as provided in this chapter, and keeps a complete list of the names and ages of all such persons under sixteen years of age employed.

Certificates of age shall be issued for persons sixteen and seventeen years of age and for all other persons eighteen and over upon request of the person's prospective employer.



- *92.14 Contents of work permit.* Every work permit shall state the date of issuance, name, sex, date and place of birth, residence of the child in whose name it is issued, color of hair and eyes, height and weight, proof of age, school grade completed, name and location of the establishment where the child is to be employed, industry, specified occupation, a brief description of duties for which the permit is issued, that the papers required for its issuance have been duly examined, approved, and filed, and that the person named therein has personally appeared before the officer issuing the permit and has been examined.
- *92.16 Forms for permits furnished.* The proper forms for the work permit, the employer's agreement, the school record, the certificate of age, and the physician's certificate shall be formulated by the labor commissioner and furnished to the issuing authorities.

Iowa work permits may be obtained from:

Iowa Division of Labor Services  
1000 East Grand Avenue  
Des Moines, Iowa 50319  
<http://www.iowadivisionoflabor.gov/child-labor>